

SUPREME COURT: NEW YORK COUNTY

BSPRT 2018-FL3 ISSUER, LTD.,

Plaintiff,

-against-

96 WYTHE ACQUISITION LLC, TOBY MOSKOVITS,
YECHIEL MICHAEL LICHTENSTEIN, RENT A UNIT NY
INC., ADVANCED PLUMBING MECHANICAL &
SPRINKLERS CORP., MA2 FLAGS CONTRACTING CORP.,
ROCK GROUP NY CORP., CRIMINAL COURT OF THE
CITY OF NEW YORK, NEW YORK STATE DEPARTMENT
OF TAXATION AND FINANCE, ENVIRONMENTAL
CONTROL BOARD OF THE CITY OF NEW YORK, AND
JOHN DOE #1 THROUGH JOHN DOE #50,

Defendants.

Index No.: 653396/2019

**AFFIDAVIT OF
TOBY MOSKOVITS
PROVIDING PROPOSED
RECEIVER CREDENTIALS**

STATE OF NEW YORK }
 } ss.:
COUNTY OF KINGS }

TOBY MOSKOVITS, being duly sworn affirms and says as follows, under penalties of perjury:

1. I am the manager for defendant 96 Wythe Acquisition LLC ("**Borrower**").
2. I am familiar with this proceeding and make this affidavit pursuant to this Court's order, dated October 18, 2019, to propose a particular person to serve as Temporary Receiver.
3. Borrower proposes Constantino Sagonas as temporary receiver, who is qualified to serve as a receiver and manager pursuant to Part 36 of the Rules of the Chief Judge, and is the most appropriate temporary receiver in light of his significant experience in hotel management, operations and construction.

4. As more fully set forth in Mr. Sagonas's curriculum vitae and list of hotels, copies of which are attached hereto as **Exhibits A and B**, Mr. Sagonas has been involved in hotel management and construction for 40 years.

5. For over the last 16 years, Mr. Sagonas has been the Owners Agent for a range of properties including the Marriott Springhill Suites & Courtyard Hotel in New York, JW Marriott Rio Grande, Puerto Rico, and The Winthrop Hotel, 475 Fifth Avenue, NY, and Vernon Towers, in Astoria, and a mixed-use project at 105 Metropolitan Avenue." (Ex. A.)

6. Prior to his employment as Owner's Agent for the Marriot, Mr. Sagonas worked for the Affinia hotels, where he administered the "day-to-day management and maintenance of 16 properties, including PIP Program [a property improvement plan to bring a hotel in compliance with brand standards], capital improvements, and annual budgets for all 10 all-suite hotels....overseeing a staff of 100." (*Id.*)

7. Mr. Sagonas also worked as an Executive Vice President for Prime Motor Inns, a publicly traded company on the New York Stock Exchange, that covered 70 hotels including Sheraton, Holiday Inn, Ramada Inn, and Howard Johnsons in New York, New Jersey, and Pennsylvania. As part of his duties, Mr. Sagonas was responsible for the acquisition and integration of 470 Howard Johnsons and 174 HoJo restaurants, with revenue of \$400 million including the construction of 5 new hotels. (Ex. B.)

8. Mr. Sagonas started his career at Hilton International as a project manager at the Waldorf Astoria and worked at the Four Seasons Hotel in design and construction, where he implemented the first plan to computerize front and back-house operations. While at the Four Seasons Hotels Mr. Sagonas was responsible for over \$300 million in luxury properties including the Mandalay Inn in Texas and the Four Season Newport Beach, California.

9. Throughout his long career of hotel management and construction, Mr. Sagonas has been involved in the following hotel projects:

NORTH AMERICA

- 1) MARRIOTT SPRINGHILL SUITES – 25 West 37 Street 173 Suites
New Construction
- 2) MARRIOTT COURTYARD – 960 Sixth Avenue 162 Suites
Total Gut Renovation Including Lobby & Food & Beverage
- 3) AFFINIA 50 – 155 East 50 Street - 251 Rooms & Suites
Total Gut Renovation Including Lobby
- 4) AFFINIA DUMONT – 150 East 34 Street – 200 Rooms & Suites
Total Gut Renovation Including Lobby
- 5) AFFINIA GARDENS – 225 East 64 Street – 129 Suites
Lobby Renovation
- 6) AFFINIA MANHATTAN – 371 Seventh Avenue – 618 Rooms & Suites
Total Gut Renovation Including Lobby & Ballroom
- 7) AFFINIA SHELBOURNE – 303 Lexington Avenue – 325 Rooms & Suites
Total Gut Renovation Including Lobby & Food & Beverage

Four Seasons Hotels

- 8) BOSTON – 200 Boylston Street – 196 Rooms & 77 Suites
New Construction, Pre-opening & Operations
- 9) DALLAS - Mandalay Las Colinas – John Carpenter Freeway 421 Rooms & Suites
New Construction, Pre-opening & Operations
- 10) HOUSTON – 1300 Lamar Street – 289 Rooms & 115 Suites
New Construction
- 11) HOUSTON – 4 Riverway – 340 Rooms & 33 Suites
New Construction, Pre-opening & Operations

Ritz Carlton

- 12) MANHATTAN – Central Park South – 150 Rooms & Suites
Gut Renovation & Operational Overhaul – Conversion from Navarro Hotel

INTERNATIONAL

Hilton International

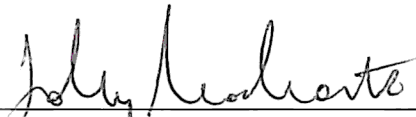
- 13) INN ON THE PARK – London, England
New Construction, Pre-opening & Operations
- 14) KENSINGTON – London, England
New Construction, Pre-opening & Operations
- 15) KUALA LUMPUR – Malaysia
New Construction, Pre-opening & Operations
- 16) MELBOURNE – Australia
New Construction, Pre-opening & Operations
- 17) SYDNEY – Australia
New Construction, Pre-opening & Operations
- 18) NAIROBI – Kenya
New Construction, Pre-opening & Operations
- 19) DUSSELDORF AIRPORT – Germany
New Construction
- 20) ORLY AIRPORT – France
New Construction, Pre-opening & Operations
- 21) CAVALIERI – Rome, Italy
New Construction, Pre-opening & Operations
- 22) ATHENS – Greece
New Construction, Pre-opening & Operations

(Ex. B.)

9. In addition, Mr. Sagonas's prior experience includes acting as the Assistant Deputy General Manager for the New York City Housing Authority where he performed all day-to-day management functions, including the planning, redeveloping, and budgeting for 345 developments, as well as overseeing 600 staff members.

10. Mr. Sagonas has agreed to act as temporary receiver for a flat monthly fee of **\$10,000.**

11. As demonstrated above, Mr. Sagonas is a highly experienced hotel manager that possesses extensive hotel management and construction management experience, and is, the most qualified individual to act as temporary receiver for the hotel.


TOBY MOSKOVITS

Sworn to before me this
31st day of October, 2019


Notary Public

MOSHE SCHEPANSKY
NOTARY PUBLIC, STATE OF NEW YORK
NO. 02SC6327934
QUALIFIED IN QUEENS COUNTY
MY COMMISSION EXPIRES 10/15/2023